

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

.....X
FRANCISCO JAVIER MARTINEZ ANGEL, *on
behalf of himself, FLSA Collective Plaintiffs, and
the Class,*

Plaintiff,

-v-

Case No. 23-CV-00222 (LJL)

CORE SCAFFOLD SYSTEMS INC., M.D
SCAFFOLDING, INC., K & V GARCIA CORP.,
JOHN DOE CORPORATIONS 1-50, VALON
PILKU, and VICENTE GARCIA,

~~**PROPOSED**~~ **ORDER**
GRANTING CONDITIONAL
COLLECTIVE CERTIFICATION
PURSUANT TO 29 U.S.C. 216(b)

Defendants.

.....X
WHEREAS the parties have jointly requested that the Court sign the order granting
conditional collective certification pursuant to 29 U.S.C. § 216(b) in the form proposed by the
parties and that follows below.

It is hereby ORDERED as follows:

(1) The Court grants conditional certification of the FLSA claim as a representative
collective action pursuant to 29 U.S.C. § 216(b) on behalf of all current and former non-exempt
employees, including scaffolders and laborers, employed by Defendants on or after the date this is
3 years before the filing of the Complaint.

(2) The Court approves the distribution of the notice of this FLSA action to Covered
Employees, and including a consent form (or opt-in form) as authorized by the FLSA.

(3) The Court approves the proposed FLSA notice of this action and the consent form,
attached as **EXHIBIT A** to the Memorandum of Law.

(4) The Court approves the consent forms of opt-in plaintiffs to be sent directly to
Plaintiff's counsel.

(5) Within 10 days of this Order, Defendants are to produce in Excel format the names,
titles, compensation rates, dates of employment, last known mailing addresses, email addresses
and all known telephone numbers of all Covered Employees. To the extent there are notice

mailings returned as undeliverable, Defendants shall provide Social Security Numbers within five days of any request of Plaintiff's counsel.


(6) The Court approves the posting of the notice, along with the consent forms, in Defendant's places of business where Covered Employees are employed, by Defendants or Defendants' counsel at any time during regular business hours. Defendants' counsel will provide photos to show that same was accomplished.

(7) The time for filing claims under the FLSA for Covered Employees is equitably tolled for a period of 21 days to permit Plaintiff's counsel to distribute notice to potential opt-in plaintiffs.

(8) Plaintiff will file consents with the Court within 1 business day of receipt of each consent.

(9) Plaintiff will post and distribute the notice and consent forms within 21 days of the date of this Order.

SO ORDERED



Hon. Lewis J. Liman, U.S.D.J.

June 15, 2023

Dated

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

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SCAFFOLDING, INC., K & V GARCIA CORP.,
JOHN DOE CORPORATIONS 1-50, VALON
PILKU, and VICENTE GARCIA,

**NOTICE OF PENDENCY OF
LAWSUIT REGARDING
WAGES**

Defendants.

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**Please read this notice if you are or were employed by CORE SCAFFOLD SYSTEMS
INC., M.D. SCAFFOLDING INC., OF K & V GARCIA CORP., as a non-exempt employee
including as a scaffolder and laborer at any time between
January 10, 2020 and the present.**

Former employee FRANCISCO JAVIER MARTINEZ ANGEL (“Plaintiff”) has sued CORE SCAFFOLD SYSTEMS INC., M.D. SCAFFOLDING INC., AND K & V GARCIA CORP., VALON PILKU and VICENTE GARCIA (“Defendants”), seeking (1) unpaid wages, due to a fixed salary; (2) unpaid wages, including unpaid overtime, due to time shaving; (3) liquidated damages; and (4) attorneys’ fees and costs, in violation of the federal Fair Labor Standards Act (“FLSA”).¹ Defendants deny any wrongdoing and claim that they paid employees the proper compensation for all hours worked, in accordance with the FLSA.

The purpose of this Notice is to advise you of your right to participate in this lawsuit under the FLSA. It has not been decided who is right and who is wrong, but the Court is giving the opportunity to employees who might have been affected by the alleged violations to join this collective action lawsuit.

¹ The lawsuit also includes class action claims under the New York Labor Law (“NYLL”) for unpaid wages, including overtime, due to a fixed salary; unpaid wages, including overtime, due to time shaving, liquidated damages; and attorneys’ fees and costs. This Notice applies only to the FLSA claim, not to the class action claim brought under the NYLL.

YOUR LEGAL RIGHTS

If you worked for Defendants at any time between January 10, 2020 and the present, you may join this lawsuit. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. The right to participate may be subject to a court decision that you are similarly situated to Plaintiff. It is your right to join or not to join this lawsuit. If you decide to join this lawsuit, it is illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

If you participate in this lawsuit's FLSA claim, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit's FLSA claim, whether it is favorable or unfavorable to the Plaintiff. The Plaintiff may obtain nothing by virtue of the lawsuit.

To join this lawsuit, you must sign a "Consent to Sue" form, which is enclosed with this Notice, and send it on or before **[2 months from the date notice is sent out]**:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181

If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under FLSA is two or three years from the date of the violation, and the statute of limitations under the NYLL is six years from the date of violation. The statute of limitations stops running when a consent to join form is filed with the Court.

THE LAWYERS REPRESENTING PLAINTIFFS

If you join this lawsuit and agree to be represented by Plaintiff through his attorneys, you will be represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorneys' fees or expenses for this lawsuit. If the Plaintiff wins a favorable judgment, Lee Litigation Group, PLLC may ask the court to award it its reasonable lodestar or up to one-third of the monetary recovery, whichever is greater. You are not required to have Lee Litigation Group, PLLC to represent you. If you want your own attorney to represent you in this lawsuit, arrangements would have to be made for that attorneys' fees and expenses, and the arrangements could be the same as the Lee Litigations Group, PLLC.

GETTING MORE INFORMATION

You can obtain more information about this lawsuit by contacting C. K. Lee, Esq.:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181

Do not call or write to the Court or the Clerk's Office with questions.

Dated: New York, _____

“CONSENT TO SUE” FORM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

FRANCISCO JAVIER MARTINEZ ANGEL, *on
behalf of himself, FLSA Collective Plaintiffs, and
the Class,*

Plaintiff,

-v-

Case No. 23-CV-00222(LJL)

CORE SCAFFOLD SYSTEMS INC., M.D
SCAFFOLDING, INC., K & V GARCIA CORP.,
JOHN DOE CORPORATIONS 1-50, VALON
PILKU, and VICENTE GARCIA,

Defendants.

-----X

If you are or were employed as a non-exempt employee, including as a scaffolder and laborer by CORE SCAFFOLD SYSTEMS INC., M.D. SCAFFOLDING INC., OR K & V GARCIA CORP., at any time between January 10, 2020 and the present, complete and mail this Consent Form by [2 months from the date notice is sent].:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate Plaintiff or his counsel Lee Litigation Group, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Social Security Number: _____

E-mail Address: _____

SIGNATURE: _____ Date: _____